

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X

In re:

Chapter 11

MICHAEL KRICHEVSKY,

Case no: 822-71045-ast

Debtor.

-----X

AFFIRMATION UNDER LOCAL RULE 9077-1

Stan Y. Yang, Esq., an attorney admitted to practice before the Courts of the State of New York and the Federal Courts for the Southern and Eastern Districts of New York hereby affirms the following to be true under penalties of perjury:

1. I am employed by the United States Department of Justice, Office of the United States Trustee, as a Trial Attorney in the Central Islip Division for the Eastern District of New York.

2. In furtherance of my employment I am fully familiar with the pleadings and proceedings filed in the case of Michael Krichevsky (the “Debtor”). I make this Affirmation in accordance with EDNY Local Rule 9077-1, and in support of my request for an expedited hearing on reduced notice based upon my personal knowledge and my review of the files maintained in the ordinary course of business at the United States Trustee’s office.

3. The Debtor has been under the protection of this Court for a period of three (3) years, yet he has not filed a plan of reorganization. Furthermore, the Debtor has also failed to comply with the most basis requirements as a debtor-in-possession to file monthly operating reports and pay outstanding quarterly fees to the United States Trustee. It is unclear whether the Debtor has the desire to reorganize. In addition, Your Honor has scheduled an evidentiary hearing on a motion dismissing this chapter 11 case by a secured creditor, Select Portfolio Servicing, Inc, a Servicer for U.S. Bank N.A., Successor Trustee to Bank of a/America,

N.A. (“Select Portfolio”). Pursuant to an order dated June 15, 2022 (“June 15 Order”), the Court further directed supplemental pleadings to be filed by July 1, 2022.

4. In light of the foregoing, the United States Trustee respectfully requests a hearing on the United States Trustee’s motion seeking an order converting or dismissing the Debtor’s case to be returnable on July 18, 2022, at 10 am.

5. Under the Bankruptcy Rules, a motion under Bankruptcy Code section 1112(b) requires 21-days’ notice, together with additional time for service by mail (See Fed. Bank. R. 2002).

6. Consequently, the United States Trustee submits that based upon the June 15 Order and the evidentiary hearing on Select Portfolio’s motion, a hearing with shorten notice, is reasonable. As such, the United States Trustee submits that there is cause to reduce the 21-day notice period, and requests that the Court schedule a hearing date on reduced notice.

7. The United States Trustee also submits that notice on the *Pro Se* Debtor and creditors who filed a notice of appearance by overnight mail and creditors who filed a notice of appearance; and by first class mail to all other creditors, is appropriate and sufficient to provide the interested parties with adequate notice of the hearing date and time.

8. There has been no prior application for the relief sought herein by the United States Trustee.

DATED: Central Islip, New York
June 30, 2022

/S/ Stan Y. Yang
Stan Y. Yang
Trial Attorney

